

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 12/20/2002  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 10/17/2002.

TITLE: Antarctic Living Marine Resources Conservation and Management Measures

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0194

EXPIRATION DATE: 02/29/2004

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	841	149	2
New	7,032	567	70
Difference	6,191	418	68
Program Change		379	68
Adjustment		39	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT  
ANTARCTIC MARINE LIVING RESOURCES  
CONSERVATION AND MANAGEMENT MEASURES  
OMB CONTROL NO. 0648-0194**

**A. JUSTIFICATION.**

**1. Explain the circumstances that make the collection of information necessary.**

This statement supports a request to supplement authority to collect information originally granted to the Department of Commerce in 1988 and extended and supplemented since then in 1991; 1993; 1994; 1997; and 2001. This revision addresses an extension in the duration of the permit to allow entry into a Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Ecosystem Monitoring and Management (CEMP) Protected Site and a requirement for U.S. vessels fishing in the area of the Convention on the Conservation of Antarctic Marine Living Resources (the Convention) to install and use an automated satellite-linked Vessel Monitoring System (VMS).

The Convention established CCAMLR for the purpose of protecting and conserving the marine living resources in the waters surrounding Antarctica. The Convention is based upon an ecosystem approach to the conservation of living marine resources and incorporates standards designed to ensure the conservation of individual populations and species and the Antarctic marine ecosystem as a whole.

CCAMLR adopted its first conservation measures during the 1984 session. In 1988, the National Marine Fisheries Service (NMFS) implemented requirements, involving collection of information (#0648-0194) for the harvesting and importation of Antarctic Marine Living Resources (AMLR) from the CCAMLR Convention Area.

CCAMLR adopted a conservation measure in 1994 establishing the procedure for according protection to CEMP Protected Areas, designating Seal Islands and Cape Shirreff as CEMP Sites and adopting management plans for these sites. U.S. regulations presently require that persons proposing to enter a CEMP site or conduct research programs there submit a letter of request (application) for an entry permit on an annual basis.

CCAMLR adopted a conservation measure in 1998 requiring Contracting Parties to the Convention to establish no later than March 1, 1999, an automated satellite-linked VMS to monitor, at least every four hours, the position of its fishing vessels licensed to harvest marine living resources in the Convention Area for which catch limits, fishing seasons or area restrictions have been set by the Commission. At present, this wording excludes vessels fishing exclusively for krill. All other vessels are covered by the measure. The measure was amended in 2001 to require that each Contracting Party, within two working days of receiving VMS

information from its vessels, provide to the CCAMLR Secretariat the date and statistical area, subarea or division for each of the following movements of those vessels: (a) entering and leaving the Convention area; and (b) crossing boundaries between CCAMLR statistical areas, subareas and divisions.

CCAMLR adopted a conservation measure in 1999 establishing a Catch Documentation Scheme (CDS) for toothfish. Amendments adopted in 2001 to address continuing illegal, unregulated and unreported (IUU) fishing for toothfish allow the Contracting Parties to take certain actions with respect to fishing for toothfish on the high seas and with respect to seized or confiscated catch. Although NMFS has fully implemented the CCAMLR CDS in the United States, it recognizes that improvements can be made both to streamline administration of the program and to enhance efforts to prevent the import of illegally harvested toothfish. NMFS therefore proposes the modification of the current regulations to implement a pre-approval system operated on a fee-for-service basis which would allow NMFS to sufficiently review catch documentation in advance of import, thus providing additional economic certainty to U.S. businesses associated with the toothfish trade as well as facilitating enforcement efforts.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If NOAA's Information Quality Guidelines apply, state this and confirm that the collection complies with the Guidelines.**

There has been only one applicant for a **CEMP entry permit** since NMFS regulations requiring annual application came into effect. The applicant, the Director of the NMFS Antarctic Ecosystem Research Group, has applied on an annual basis to conduct the U.S. AMLR Directed Research Program. There have been no other applicants since the entry permit requirement was adopted and none are expected. Experience with the permit system indicates that a permit on an every five year basis will suffice. NMFS regulations will extend the period for valid permits to five years. Annual reporting requirements would continue in force, allowing NMFS to monitor activities within the CEMP site.

To give effect to the CCAMLR conservation measures on **VMS** and to facilitate enforcement of time-area and fishery closure, NMFS regulations are being revised to require the owner or operator of a vessel permitted to fish for or tranship AMLR to install a NMFS-approved VMS unit on board the vessel and to operate the VMS unit whenever the vessel enters CCAMLR waters. In the event of technical failure or other non-function of the VMS, the master or the owner of the fishing vessel, at a minimum must: (i) communicate to NMFS by telex, fax, telephone or radio, the movements of the vessel into and out of the Convention Area and between CCAMLR statistical areas, subareas and divisions, at least once every 24 hours, starting from the time that this event was detected; and (ii) take immediate steps to have the device repaired or replaced as soon as possible, and in any event, within two months.

Some of the holders of AMLR dealer permits are foreign entities. NMFS regulations are being revised to require foreign entities to designate a **registered agent** as a condition of securing a

dealer permit. This will enable NMFS to better track and monitor trade in AMLR, to identify potential trade in IUU fishing for AMLR, and identify an agent for service of process. Only businesses with a foreign address applying for a AMLR Dealer Permit will be required to designate a registered agent by name, address and phone number on the Dealer Permit application.

Under this proposed modification to implement a **pre-approval system** for toothfish imports, any person who imports Dissostichus species would be required to first obtain an AMLR dealer permit with a validity of one year. The one-year validity of the permit would be a change from current regulations which do not specify duration. The revised application form for a dealer permit required under the proposed rule would be simplified.

A new pre-approval application form would be required under the proposed rule. After receiving an AMLR dealer permit, the permit holder would be required to submit to NMFS the DCD that accompanies each permitted shipment, as well as an application to NMFS requesting pre-approval to allow import of that shipment. If the shipment in question is accompanied by a DCD indicating that the Dissostichus was caught on the high seas outside the Convention Area in FAO Statistical Areas 51 or 57, NMFS would not approve the shipment for import.

A separate DCD with a unique export reference number would be required for each pre-approval application (i.e. one DCD could not be used to request pre-approval for several shipments) and the quantity of toothfish listed on the DCD would be required to match the quantity listed on the preapproval application within a variance of 10 percent. The dealer would be required to fax or express mail the documentation described above so that NMFS would receive it at least 15 business days prior to the anticipated date of import. NMFS would review the documentation submitted, notify the dealer whether the import would be allowed or denied, notify the U.S. Customs Service to allow or deny import of the shipment of Dissostichus, and bill the client for the review of catch documentation and pre-approval application.

Due to the extremely quick turnaround time required for shipments of fresh Dissostichus, the application for approval of catch documents for such toothfish in quantities of less than 2,000 kilograms would be required to be submitted to NMFS within 24 hours of import, rather than at least 15 days prior to import. Review of documentation for fresh product would not be on a fee-for-service basis.

The current requirement for submission of **import tickets**, now required within 24 hours for all imported AMLR species, would be eliminated under this proposed rule for imports of Dissostichus. Imports of AMLR other than toothfish will continue to require the submission of import tickets. At present, these imports are of Antarctic krill.

It is not anticipated that this information will be disseminated to the public; however, this information will be collected in such a way as to conform with the NOAA's Information Quality Guidelines.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

VMS data is electronically transmitted. No other automated, electronic, mechanical, or other technological techniques or other forms of information technology are used.

**4. Describe efforts to identify duplication.**

There is no duplication of effort.

Duplication of permit application in the event that a CEMP site is also listed under the Antarctic Conservation Act of 1978 (ACA) is avoided by the regulations which direct potential CEMP site permit entry applicants to the National Science Foundation in the event of a dual listing of the site. A combined ACA/CEMP permit may then be issued.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize the burden.**

Transmissions of positional information from an automated satellite-linked VMS are automatic and require no action by the vessel operator. Increasing the duration of CEMP entry permits reduces the burden on researchers and others applying to enter CEMP Protected Sites. Foreign entities seeking a dealer permit to import AMLR need only convey name, address and phone information for its resident agents. U.S. entities seeking to purchase or acquire AMLR seized, and offered for sale or disposition, by NMFS will be required to provide only that information sufficient to determine that the entity has no connection to, or stands to profit from, IUU fishing.

NMFS does not have information on the size of businesses who would be affected by the proposed pre-approval system for toothfish imports, but believes some of them to be small. Nevertheless, NMFS believes that the action would not have a significant effect on a large number of small businesses.

Should small importing concerns be involved, the implementation of a pre-approval system should minimize business burdens.

All proposed forms and applications for the pre-approval system would include clear and complete instructions.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

The duration of CEMP site entry permits is being extended to five years. Yearly activity reports submitted to the Department of State by the permit holder for submission by the United States to



CCAMLR are used to monitor any cumulative negative impacts on the site of otherwise permitted activities. CCAMLR evaluates reported activities in the context of the current plan and conducts a full review of the site plan every five years.

VMS data must be conveyed as requested in order for the United States to comply with the CCAMLR conservation measure requiring the data.

AMLR dealer information must be made available in order to track and monitor trade in AMLR and to prevent trade in IUU fished AMLR. Less frequent collection of information under the proposed pre-approval system would not provide NOAA with data it must have for adequate and timely monitoring and reporting on the importation of toothfish to CCAMLR.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

There are no special circumstances.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

Public comment will be solicited in a Notice of Proposed Rulemaking.

Copies of the framework regulations were provided to:

National Science Foundation (NSF)  
Department of State (DOS)  
U.S. Coast Guard  
Marine Mammal Commission (MMC)  
U.S. Treasury--Customs  
Environmental Defense Fund

NSF, DOS, and the Antarctica Project continue to be aware of subsequently adopted conservation and management measures and U.S. regulations and information collected pursuant to them since each agency or organization serves on the U.S. delegation to meetings of CCAMLR and/or its Scientific Committee. Other agencies are consulted with respect to measures specific to their authority.

Resolutions and measures adopted by CCAMLR since the framework regulations were adopted are announced, and public comment invited, in the Federal Register by the Department of State each year following the Commission meeting.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts will be made to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation or agency policy.**

VMS is a system where, through the installation of satellite-tracking devices on board its fishing vessels, a Flag State receives automatic transmission of certain information. This information generally includes the fishing vessel identification, location, date and time, and, is collected by the Flag State to effectively monitor its vessels. Confidential business information is protected in accordance with NOAA Administrative Order 216-100.

To the extent permitted under the Trade Secrets Act and the Freedom of Information Act, NMFS will maintain the confidentiality of information determined to be a trade secret or privileged and confidential commercial or financial information.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No sensitive information is collected.

**12. Provide an estimate in hours of the burden of the collection of information.**

The currently approved burden for 0648-0194 is 149 hours. An additional 418 hours is requested.

There will be no additional burden hours generated by the changes in the duration of **CEMP permits**. Applicants will be required to apply with lesser frequency, once every five years rather than annually, with a decreased burden on individuals to apply for, and the government to process, applications.

The CCAMLR requirement for **VMS transmissions** necessitate an additional 17 burden hours. Based on anticipated harvest permits, an estimated 5 vessels will be subject to the VMS requirement. Each vessel fishes an approximately four month (120 day) season for 600 vessel days. Querying a vessel to learn of its location before and after the start of the season is automatic with no action required by the vessel operator except to verify that the system is on.

The estimated response time is 0.033 seconds, for a total of 0.33 seconds (5 vessels x 2 queries each x 0.033), or roughly 1/2 minute. A total of 6 position reports a day would be required for a total of 3600 reports (120 days x 6 reports a day x 5 vessels). Transmission of these automatic reports is also 0.033 seconds and requires no burden on the vessel operator. Transmission time for the 3600 reports of the fleet is 118.8 seconds (3600 reports x 0.033 seconds) or roughly 2 minutes. Thus, the total annual time for five vessels to report position information during a four month season is about 2.5 minutes.

For the 5 vessels there would be a one-time installation taking 4 hours/vessel for a total of 20 hours (5 vessels @ 4 hours) and an annual maintenance of 2 hours/vessel for 10 hours (5 vessels @ 2 hours). The annualized installation and maintenance burden over three years is 17 hours: 7 hours for installation (20 hours divided by 3) and 10 hours for maintenance (10 hours each year).

Therefore the estimated annual collection burden is 17 hours and 2.5 minutes (2.5 minutes in reporting positional information and 17 hours for installation and maintenance). Only 17 hours of this requires action on part of the vessel operators.

The burden hours for **dealer permit applications** is reduced by 5 hours, reflecting a simplification in the application form. The additional burden for providing and conveying information about **registered agents** is about 20 minutes and is incorporated into the burden hour estimate for the dealer permit application. There are potentially five non-resident consignees of AMLR imports. Each of them will be required to designate a registered agent and provide the name, address, phone number and any other contact information for the agent in a section of the dealer permit application. The estimated time for providing this information is 2 minutes per respondent, for a total burden of 20 minutes.

The burden hours for **reexport permit applications** is reduced by 10 hours, reflecting a lesser number of reexporters applying for a permit compared to the number previously estimated to apply.

The burden hours for the submission of **catch documents by importers of toothfish** is increasing to reflect the increasing number of importers since the last authorization. These documents will be submitted along with applications for pre-approval.

The burden hours for the submission of **catch documents by reexporters** is reduced by 9 hours, reflecting a lesser number of reexporters compared to the number previously estimated to submit reexport catch documents.

With regard to the proposed implementation of a **pre-approval system** for toothfish imports, an increase of 400 burden hours is anticipated. This estimate is based upon two years experience in implementing the Catch Documentation Scheme.

Overall, the burden hours required to submit **import tickets** is decreasing by 32.5 hours, reflecting their continuing use only for imports of AMLR other than toothfish.

Requirement	Current Hours	Proposed Hours
VMS requirement	0	17
Dealer permit applications, including designation of a registered agent	25	20
Reexport permit applications	12.5	2.5
Catch documentation by importers	22.5	80
Catch documentation by reexporters	12.5	3.3
Preapproval applications	0	400
Import tickets	37.5	5
Total	110	528

Difference between Current and Proposed Hours: 417.8.

#### **Vessel Monitoring Systems (17 hours):**

The installation, maintenance and automatic transmission of data should take no more than 17 hours. It is estimated that 5 vessels could be required to use VMS.

#### **Dealer permit applications (20 hours):**

Simplified dealer permit applications should take no more than 15 minutes to complete. 1 permit would be issued to each dealer per year. It is estimated that a total of 80 firms would apply for dealer permits.

80 dealer permit applications @ 15 minutes each=20 hours

#### **Designation of registered agent (20 minutes):**

The designation of registered agents by non-resident consignees should take no more than 20 minutes. It is estimated that 5 non-resident consignees would designate a registered agent. This total is incorporated in the total burden hours for completing dealer permit applications.

**Reexport permit applications (2.5 hours):**

Reexport permit applications should take 15 minutes to complete given they require the same information as the dealer permit application. It is estimated that 10 firms will request reexport permit applications.

10 dealers @ 15 minutes each= 2.5 hours

**Catch documentation by importers (80 hours):**

Dealers need only transmit the catch document received with the shipment to NOAA Fisheries, so this should only require 3 minutes per document. Each preapproval application would be accompanied by a corresponding catch document.

80 permitted dealers X 20 catch documents @ 3 minutes each=80 hours

**Reexport catch documentation (3.5 hours)**

It is estimated that 10 minutes would be required for each dealer wishing to re-export. It is estimated that an average of 2 catch documents per reexporter per year would be required.

10 dealers X 2 documents @ 10 minutes each = 3.3 hours

**Pre-approval applications (400 hours):**

Pre-approval applications should take no more than 15 minutes to complete. Based on current trends, it is estimated that an average of 20 pre-approval applications would be issued to each dealer per year.

80 permitted dealers X 20 pre-approval applications @ 15 minutes each= 400 hours

**Import tickets ( 5 hours):**

Completing an import ticket should take no more than fifteen minutes since the information requested tracks data previously requested in applying for a dealer permit. These tickets will continue to be requested only for AMLR other than toothfish. It is estimated that 5 dealers importing non-toothfish AMLR will be required to submit import tickets. Each dealer should average 4 import tickets per year.

5 permitted dealers X 4 import tickets @ 15minutes each = 5 hours

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

**VMS**

(a) Total capital and start-up cost component:

One-Time Equipment Costs per Vessel (average = \$3,250), comprised of:

1. Transceivers = ca. \$2,000 to \$5,000, average ca. \$2,500
2. Installation = ca. \$750

A VMS unit, including transceiver and antenna, is expected to cost from \$2000 to \$5000. Installation would cost approximately \$750. Owners who choose VMS units with the capability to send and receive text messages would incur additional acquisition and operating costs not required by this collection.

Assuming the average installed cost of a VMS unit would be \$5000 with a useful life of 5 years, the total start-up costs for the fleet would be \$25,000. Annualizing these costs, the total is \$5,000.

(b) Total operations, maintenance, and purchase of services component:

Ongoing Equipment Costs per Vessel (average = \$1,000/yr), comprised of:

1. Maintenance = 20% of purchase price per year, SWD average ca. \$500/yr
2. Communications = ca. \$500 to \$1800 per year, SWD average ca. \$500/Yr

The total operations, maintenance and services components for a five vessel fleet is estimated at \$5,000 per year.

**Pre-approval fee-for-service**

Fee-for-service cost is estimated at 2 hours per pre-approval at \$75/hour. Average of 20 pre-approval applications per importer per year.

Annual pre-approval fee-for-service cost per firm: \$3,000

Annual pre-approval fee-for-service cost for 20 firms: \$60,000

**14. Provide estimates of annualized costs to the Federal government.**

**Receiving VMS reports**

There would be no significant costs to the Federal Government. NMFS is developing an integrated hardware and tracking system to manage the various VMS programs being developed for many other U.S. fisheries. Those costs are already covered by current programs of the Office of Law Enforcement and are extraneous to this collection. Given the current capacity of these systems, incremental costs specifically attributable to the Antarctic Resources VMS program are negligible.

**Proposed pre-approval program**

Processing Dealer Permit Applications.....	30 minutes
Expected number of applicants.....	80
	40 hours
Processing Pre-approval Applications.....	2 hours
Expected number of applications.....	1600
	3200 hours
Processing Catch Documents .....	30 minutes
Expected number of catch documents.....	1600
	800 hours
Processing Re-export Permit Applications.....	2 hours
Expected number of re-export permit applications.....	20
	40 hours
Total burden hours.....	4,080 hours
Wage rate of data processor.....	\$10.00/hour
Cost.....	\$40,800
Overhead cost (multiplied by .35).....	\$14,280
Total cost for proposed pre-approval system.....	\$55,080

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

The previously approved burden level for Antarctic harvesting, CEMP and import-related activities was 149 hours. Accounting for increases and decreases in burden hours for individual collections, the total increase in burden hours overall is 418 hours, to a total of 567 hours.

Burden hours generated by program changes are: an additional 17 hours for collection of information by vessel monitoring systems; an additional 400 hours to apply for pre-approval of toothfish imports; a reduction of 5 hours for dealer permit applications (including additional time for non-resident consignees to designate a registered agent) reflecting the use of a simplified application form; and a reduction of 32.5 hours for the submission of import tickets due to the continuing use of import tickets only for non-toothfish AMLR.

Adjustments to previously approved burden hours are requested as follows: an additional 57.5 hours for the submission of catch documentation reflecting an increase in the number of toothfish importers; 10 fewer hours for reexport permit applications due to a lesser number of reexporters; and 9 fewer hours for the submission of reexport catch documents by reexporters.

Cost changes of \$111K are program increases due to the VMS requirement and the pre-approval process.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

NMFS will, within two working days of receiving VMS information, provide to the CCAMLR Secretariat, as required by CCAMLR, the dates and statistical area, subarea or division for each of the following movements of U.S. flag fishing vessels: (i) entering and leaving the Convention Area; and (ii) crossing boundaries between CCAMLR statistical areas, subareas and divisions. The Ecosystem Monitoring and Management Working Group of the CCAMLR Scientific Committee compiles the research and required permit reports submitted by Member States on CEMP site activity and presents these findings in a published form to the Commission. These published reports are available to Member delegations and to interested individuals from the Commission. NMFS does not plan to make available any of the information collections discussed above on the Internet.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

The expiration date for OMB approval of the information collection will be displayed on the NOAA application forms and instructions.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

None



## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information will not employ statistical methods.

## **INSTRUCTIONS FOR COMPLETING APPLICATION FOR PRE-APPROVAL OF CATCH DOCUMENTS OF TOOTHFISH**

No marine mammal may be imported into the United States unless authorized and accompanied by an import permit issued under the Marine Mammal Protection Act and/or the Endangered Species Act of 1983. Do not use this application to request authorization to import an Antarctic marine mammal.

1. Provide contact name, company name, business address, phone and fax numbers, and current AMLR permit number of entity applying for the pre-approval of catch documents prior to import.
2. Provide known or estimated date of arrival of shipment.
3. Provide port of arrival of shipment (also list port of unloading if different than port of arrival).
4. Provide company name of consignee of product, if consignee is the same as importer then place NA in space provided.
5. Provide amount (net weight in kgs) to be imported in shipment. Note: the amount must match amount listed on Catch Document export section (or amount listed on re-export document if re-export) within 10%.
6. Indicate whether the shipment of toothfish is frozen or fresh. Note: pre-approval is required for all frozen product and for fresh product shipments which equal to or exceed 2000 kgs.
7. Provide U.S. Customs 7501 Number to be used for shipment. Note: must be 11 digits/characters long.

Provide the following information that can be taken from the Catch Document(s):

8. Provide the Document Number of Dissostichus Catch Document(s).
9. Provide the Flag State Confirmation Number of the Dissostichus Catch Document(s).
10. Provide the Export Reference Number of the Dissostichus Catch Document(s).
11. If this shipment is a re-export then a re-export document will also be required for pre-approval. Please indicate whether there is such a re-export document provided for this shipment.

A fee for all shipments requiring pre-approval will be assessed at a rate of \$75.00 per hour which includes staff time plus overhead associated with this function. The average pre-approval time for each form has been estimated at 2 hours. Therefore, the average fee assessed is expected to be \$150.00. The applicant will be billed by the National Marine Fisheries Service for this service.

No resources may be imported in violation of conservation and management measures adopted by CCAMLR and adopted by the United States. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>.

Application must be signed, with title of Person signing it for a company.

**Return this Application for Pre-Approval along with Catch Documents a minimum of 15 days prior to importing resource(s) to the address below, or fax to (228) 762-7144:**

National Seafood Inspection Laboratory  
National Marine Fisheries Service  
705 Convent Street  
Pascagoula, MS 39567  
Attention: CCAMLR Data Management

**NOTE:**

The United States can only authorize imports of AMLRs harvested by vessels licensed to fish by their flag states for AMLRs and fishing consistent with measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources for the conservation and management of the harvested species. No authorization to import will be granted for any product that has been harvested from FAO statistical areas 51 or 57.

The Antarctic Marine Living Resources Act of 1984 is the U.S. statutory authority for requiring import permits. In addition, it addresses the activities of brokers and any U.S. entity in the market chain for Antarctic Marine Living Resources.

Section 306 (3) makes it unlawful to any person to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control of, any Antarctic Marine Living Resource (or part thereof) which he knows or reasonably should have known, was harvested in violation of conservation measures in force with respect to the United States pursuant to Article IX of the Convention [i.e., CCAMLR] or in violation of any regulation promulgated under this title, without regard to the citizenship of the person that harvested, or vessel that was used in the harvesting of, the Antarctic Marine Living Resource (or part or product thereof). This is in addition to making it unlawful to import without a permit. Thus, this section applies to brokers and any other entity offering to sell Antarctic Marine Living Resources, whether that entity is an importer of record or not, and whether the resource enters the U.S. market or an overseas market.

Thus, in your contacts with brokers and with vessels that may be potential sources of AMLRs, it is important that you inquire as to whether the vessel holds a currently valid license authorizing it to fish for AMLR species.

If you have any questions about the status of a vessel offering AMLR species, please contact the AMLR Permit Office of the National Marine Fisheries Service, 705 Convent Street, Pascagoula, MS 39567.

**UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
ANTARCTIC MARINE LIVING RESOURCES**

*Application for Pre-Approval of Catch Documents of Toothfish*

1. NAME OF IMPORTER (Individual):

---

COMPANY NAME (Business):

---

COMPANY ADDRESS:

---

---

---

CURRENT PERMIT NUMBER

---

2. ESTIMATED DATE OF ARRIVAL:

---

3. PORT OF ARRIVAL (ALSO PORT OF  
UNLADING IF DIFFERENT THAN ARRIVAL)

---

4. CONSIGNEE(S) OF PRODUCT:

---

5. AMOUNT TO BE IMPORTED (in kgs)

---

6. INDICATE WHETHER PRODUCT IS **Fresh or Frozen** BY CIRCLING THE APPROPRIATE RESPONSE.

7. U.S. CUSTOMS 7501 NUMBER (MUST BE 11 DIGITS/CHARACTERS LONG)

\_ / \_ / \_ / \_ / \_ / \_ / \_ / \_ / \_ / \_ / \_

THE FOLLOWING ITEMS ARE FOUND ON THE DISSOSTICHUS CATCH DOCUMENT(S)

8. DOCUMENT NUMBER OF DCD(S)

---

9. FLAG STATE CONFIRMATION NUMBER:

---

10. EXPORT REFERENCE NUMBER

11. INDICATE WHETHER A RE-EXPORT  
DOCUMENT IS ALSO ACCOMPANYING THIS  
SHIPMENT.

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---

---

Signature/Date

Title (Business)

**Return this Application for Pre-Approval along with Catch Documents a minimum of 15 days prior to importing resource(s) to the address below, or fax to (228) 762-7144:**

National Seafood Inspection Laboratory  
National Marine Fisheries Service  
705 Convent Street  
Pascagoula, MS 39567  
Attention: CCAMLR Data Management

Completion of this application is required to obtain a permit to import Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Convention Act of 1984 (16 USC 2431 et seq). No authorization to import will be issued without completion of this application. Pre-approval of toothfish imports enables NMFS to track all imports and ensure that all AMLR are being imported in compliance with all applicable regulations. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>.

Public reporting burden for completing this form is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

To the extent permitted under the Trade Secrets Act and the Freedom of Information Act, NMFS will maintain the confidentiality of information determined to be a trade secret or privileged and confidential commercial or financial information.

A fee for all shipments requiring pre-approval will be assessed at a rate of \$75.00 per hour which includes staff time plus overhead associated with this function. The average pre-approval time for each form has been estimated at 2 hours. Therefore, the average fee assessed is expected to be \$150.00. The applicant will be billed by the National Marine Fisheries Service for this service.

**THE UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

***APPLICATION FOR DEALER PERMIT TO IMPORT and/or RE-EXPORT ANTARCTIC  
MARINE LIVING RESOURCES***

Under the provisions of the Antarctic Marine Living Resources Convention Act 1984, the following  
persons(s) \_\_\_\_\_  
submit(s) this application to import/and or re-export Antarctic Marine Living Resources.

(1) COMPANY NAME: \_\_\_\_\_  
(BUSINESS)

\_\_\_\_\_  
COMPANY ADDRESS

\_\_\_\_\_  
PHONE NUMBER/FAX NUMBER

( IF NONRESIDENT THEN PROVIDE THE FOLLOWING INFORMATION ABOUT REGISTERED AGENT)

(1a) COMPANY NAME: \_\_\_\_\_  
(BUSINESS)

\_\_\_\_\_  
COMPANY ADDRESS

\_\_\_\_\_  
PHONE NUMBER/FAX NUMBER

(2) \_\_\_\_\_  
SPECIES

(3) \_\_\_\_\_  
ESTIMATE OF TOTAL TONNAGE TO BE IMPORTED

Please check one of the following:

\_\_\_\_\_ I am applying for a re-export permit in addition to an import permit.

\_\_\_\_\_ I am applying for a re-export only.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Submitted Date: \_\_\_\_\_

Completion of this application is required to obtain a permit to import Antarctic marine living resources under provisions of the Antarctic Marine Living Resources Convention Act of 1984 (16 USC 2431 et seq). No permit will be issued without completion of this application. Permits to import AMLRs enable NMFS to track all imports and ensure that all AMLRs are being imported in compliance with all applicable regulations. Continuing measures and U.S. regulations implementing them appear in Volume 50, Part 300, Subpart G of the Code of Federal Regulations. Annual measures are noticed in the Federal Register and are also available at CCAMLR website located at <http://www.ccamlr.org>.

Public reporting burden for completing this form is estimated to average 15 minutes per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Send Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, 1315 East West Highway, Attention: CCAMLR Permit Office, Silver Spring, Maryland, 20910.

To the extent permitted under the Trade Secrets Act and the Freedom of Information Act, NMFS will maintain the confidentiality of information determined to be a trade secret or privileged and confidential commercial or financial information.



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## **Sec. 2431. - Findings and purpose**

### **(a) Findings**

The Congress finds that -

#### **(1)**

the Convention on the Conservation of Antarctic Marine Living Resources establishes international mechanisms and creates legal obligations necessary for the protection and conservation of Antarctic marine living resources;

#### **(2)**

the Convention incorporates an innovative ecosystem approach to the management of Antarctic marine living resources, including standards designed to ensure the health of the individual populations and species and to maintain the health of the Antarctic marine ecosystem as a whole;

#### **(3)**

the Convention serves important United States environmental and resource management interests;

*Search this title:*



**(4)**

the Convention represents an important contribution to United States long term legal and political objectives of maintenance of Antarctica as an area of peaceful international cooperation;

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**(5)**

United States basic and directed research programs concerning the marine living resources of the Antarctic are essential to achieve the United States goal of effective implementation of the objectives of the Convention; and

**(6)**

the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of Antarctica.

**(b) Purpose**

The purpose of this chapter is to provide the legislative authority necessary to implement, with respect to the United States, the Convention on the Conservation of Antarctic Marine Living Resources

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For purposes of this chapter -

**(1) Antarctic Convergence**

The term "Antarctic Convergence" means a line joining the following points along the parallels of latitude and meridians of longitude: 50 degrees south, 0 degrees; 50 degrees south, 30 degrees east; 45 degrees south, 30 degrees east; 45 degrees south, 80 degrees east; 55 degrees south, 80 degrees east; 55 degrees south, 150 degrees east; 60 degrees south, 150 degrees east; 60 degrees south; [\[1\]](#) 50 degrees west; 50 degrees south, 50 degrees west; and 50 degrees south, 0 degrees.

**(2) Antarctic marine living resources**

The term "Antarctic marine living resources" means the population of finfish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.

**(3) Commission**

The term "Commission" means the Commission for the Conservation of Antarctic

Marine Living Resources established pursuant to article VII of the Convention.

**(4) Convention**

The term "Convention" means the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980, and entered into force with respect to the United States on April 7, 1982.

**(5) Harvesting or other associated activities**

The terms "harvesting" and "harvesting or other associated activities" mean -

**(A)**

the harassing, molesting, harming, pursuing, hunting, shooting, wounding, killing, trapping, or capturing of Antarctic marine living resources;

**(B)**

attempting to engage in any activity set forth in subparagraph (A);

**(C)**

any other activity which can reasonably be expected to result in any activity described in subparagraph (A); and

**(D)**

any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

## **(6) Harvest**

The term "harvest" means to engage in harvesting or other associated activities.

## **(7) Import**

The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States.

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## **(8) Person**

The term "person" means an individual, partnership, corporation, trust, association, and any other entity subject to the jurisdiction of the United States.

## **(9) Scientific Committee**

The term "Scientific Committee" means the Scientific Committee for the Conservation of Antarctic Marine Living Resources established pursuant to article XIV of the Convention.

## **(10) Vessel of the United States**

The term "vessel of the United States" means -

### **(A)**

a vessel documented under chapter [121](#) of title [46](#) or a vessel numbered as provided in chapter 123 of that title;

**(B)**

a vessel owned in whole or in part by -

**(i)**

the United States or a territory,  
commonwealth, or possession of the  
United States;

**(ii)**

a State or political subdivision thereof;

**(iii)**

a citizen or national of the United States;  
or

**(iv)**

a corporation created under the laws of  
the United States or any State, the  
District of Columbia, or any territory,  
commonwealth, or possession of the  
United States;

unless the vessel has been granted the  
nationality of a foreign nation in accordance  
with Article 5 of the 1958 Convention on  
the High Seas; and

**(C)**

a vessel that was once documented under  
the laws of the United States and, in  
violation of the laws of the United States,  
was either sold to a person not a citizen of  
the United States or placed under foreign

registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas.

## **(11) Vessel subject to the jurisdiction of the United States**

The term "vessel subject to the jurisdiction of the United States" includes a vessel without nationality or a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of Article 6 of the 1958 Convention on the High Seas

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[\[1\]](#) So in original. Probably should be a comma.

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The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, shall appoint an officer or employee of the United States as the United States representative to the Commission.

*Search this title:***(b) Representative to the Scientific Committee**

The Secretary of Commerce and the Director of the National Science Foundation, with the concurrence of the Secretary of State, shall designate the United States representative to the Scientific Committee.

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The United States representatives to the Commission and the Scientific Committee shall receive no additional compensation by reason of their services as such representatives

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system of observation and inspection****(a) Conservation measures****(1)**

The Secretary of State, with the concurrence of the Secretary of Commerce and the Director of the National Science Foundation, is authorized -

**(A)**

to decide on behalf of the United States whether the United States is unable to accept or can no longer accept a conservation measure adopted by the Commission pursuant to article IX of the Convention, and

**(B)**

to notify the Commission of any such decision in accordance with article IX of the Convention.

**(2)**

The Secretary of State shall -

*Search this title:*



**(A)**

publish in the Federal Register, if practicable, timely notice of each proposed decision under paragraph (1) and invite written public comment regarding it; and

[Notes](#)[Updates](#)[Parallel authorities \(CFR\)](#)[Topical references](#)**(B)**

publish in the Federal Register notice of each notification made to the Commission under paragraph (1).

**(b) System of observation and inspection**

The Secretary of State, with the concurrence of the Secretary of Commerce, the Director of the National Science Foundation and the Secretary of the department in which the Coast Guard is operating, is authorized to agree on behalf of the United States to the establishment of a system of observation and inspection, and to interim arrangements pending establishment of such a system, pursuant to article XXIV of the Convention.

**(c) Communications from the Commission**

The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, and other communications from the Commission and to take appropriate action on them, either directly or by reference to the appropriate authority

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It is unlawful for any person -

**(1)**

to engage in harvesting or other associated activities in violation of the provisions of the Convention or in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention;

**(2)**

to violate any regulation promulgated under this chapter;

**(3)**

to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control or possession of, any Antarctic marine living resource (or part or product thereof) which he knows, or reasonably should have known, was harvested in violation of a conservation measure in force with respect to the United States pursuant to article IX of the Convention or in violation of any regulation promulgated under this chapter, without regard to the citizenship of the person that

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harvested, or vessel that was used in the harvesting of, the Antarctic marine living resource (or part or product thereof);

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**(4)**

to refuse to permit any authorized officer or employee of the United States to board a vessel of the United States or a vessel subject to the jurisdiction of the United States for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this chapter, or any regulations promulgated under this chapter;

**(5)**

to assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (4);

**(6)**

to resist a lawful arrest or detention for any act prohibited by this section; or

**(7)**

to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section

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The Secretary of Commerce, after consultation with the Secretary of State, the Secretary of the department in which the Coast Guard is operating, and the heads of other appropriate departments or agencies of the United States, shall promulgate such regulations as are necessary and appropriate to implement the provisions of this chapter

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The provisions of this chapter shall be enforced by the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may utilize by agreement, on a reimbursable basis or otherwise, the personnel, services, and facilities of any other department or agency of the United States in the performance of such duties.

**(b) Powers of authorized officers and employees**

Any officer or employee of the United States who is authorized (by the Secretary of Commerce, the Secretary of the department in which the Coast Guard is operating, or the head of any department or agency of the United States which has entered into an agreement with either Secretary under subsection (a) of this section) to enforce the provisions of this chapter and of any regulation promulgated under this chapter may, in enforcing such provisions -

**(1)**

secure, execute, and serve any order, warrant, subpoena, or other process, which is issued under the authority of the United

States;

**(2)**

search without warrant any person, place, vehicle or aircraft subject to the jurisdiction of the United States where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section [2435](#) of this title;

**(3)**

with or without a warrant board and search or inspect any vessel of the United States or vessel subject to the jurisdiction of the United States;

**(4)**

seize without warrant -

**(A)**

any evidentiary item where there are reasonable grounds to believe that a person has committed or is attempting to commit an act prohibited by section [2435](#) of this title,

**(B)**

any Antarctic marine living resources (or part of is committed,

**(C)**

any vessel of the United States (including its gear, furniture, appurtenances, stores,

and cargo), any vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stores, and cargo), and any vehicle, aircraft, or other means of transportation subject to the jurisdiction of the United States used in connection with such an act, and

**(D)**

any guns, traps, nets, or equipment used in connection with such an act;

**(5)**

offer and pay rewards for services or information which may lead to the apprehension of persons violating such provisions;

**(6)**

make inquiries, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter which is related to the enforcement of such provisions;

**(7)**

in coordination with the Secretary of the Treasury, detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation into, or exportation from, the United States;

**(8)**

*Search this title:*

make an arrest with or without a warrant with respect to any act prohibited by paragraph

(4), (5), (6), or (7) of section [2435](#) of this title if such officer or employee has reasonable grounds to believe that the person to be arrested is committing such act in his or her presence or view or has committed such act;

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**(9)**

exercise enforcement powers conferred on such officer or employee under a system of observation and inspection, or interim arrangements pending the establishment of such a system, which the Secretary of State has agreed to on behalf of the United States pursuant to section [2434](#)(b) of this title; and

**(10)**

exercise any other authority which such officer or employee is permitted by law to exercise.

### **(c) Seizure**

Subject to the succeeding provisions of this subsection, any property or item seized pursuant to subsection (b) of this section shall be held by any officer or employee of the United States, who is authorized by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, pending the disposition of civil or criminal proceedings concerning the violation relating to the property or item, or the institution of an action in rem for the forfeiture of such property or item. Such authorized officer or employee may, upon the order of a court of competent jurisdiction, either release such seized property or item to the wild or destroy such property or item, when the cost of maintenance of the property or item pending the disposition of the case is greater than the



legitimate market value of the property or item. Such authorized officer or employee and all officers or employees acting by or under his or her direction shall be indemnified from any penalties or actions for damages for so releasing or destroying such property or item. Such authorized officer or employee may, in lieu of holding such property or item, permit the owner or consignee thereof to post a bond or other satisfactory surety.

## **(d) Forfeiture**

### **(1)**

Any Antarctic marine living resource (or part or product thereof) with respect to which an act prohibited by section [2435](#) of this title is committed, any vessel of the United States (including its gear, furniture, appurtenances, stoves, and cargo), vessel subject to the jurisdiction of the United States (including its gear, furniture, appurtenances, stoves, and cargo), or vessel, vehicle, or aircraft or other means of transportation subject to the jurisdiction of the United States, which is used in connection with an act prohibited by section [2435](#) of this title, and all guns, traps, nets, and other equipment used in connection with such act, shall be subject to forfeiture to the United States.

### **(2)**

Upon the forfeiture to the United States of any property or item described in paragraph (1), or upon the abandonment or waiver of any claim to any such property or item, it shall be disposed of by the Secretary of Commerce, or the Secretary of the department in which the

Coast Guard is operating, as the case may be, in such a manner, consistent with the purposes of this chapter, as may be prescribed by regulation.

**(e) Application of customs laws**

All provisions of law relating to the seizure, forfeiture, and condemnation of property (including vessels) for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, and the compromise of claims, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Customs Service may, for the purposes of this chapter, also be exercised or performed by the Secretary of Commerce or the Secretary of the department in which the Coast Guard is operating, or by such officers or employees of the United States as each Secretary may designate

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[\[1\]](#) product thereof) with respect to which such an act

[\[1\]](#) So in original. Probably should be "or".

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